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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,521	11/19/2001	Alan F. Savicki	492.166	6386

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EXAMINER

BRITTAIN, JAMES R

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/979,521

Applicant(s)

SAVICKI, ALAN F.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-12,14-25,29-35,37-44,48-67 and 71-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,6,7,11,12,14-25,29-35,37-44,48,49,54-67 and 72-75 is/are allowed.
- 6) ☒ Claim(s) 8-10,50-53,71 and 76-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claims 8-10 and 50-52 is withdrawn in view of the newly discovered reference(s) to Horwitt (US 3583041). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 53, 80, 82, and 83 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Richardson et al. (US 5301394).

Richardson et al. (figures 1-4) teach closure device comprising: a first fastening strip; a second fastening strip a slider adapted to be slidably disposed on the fastening strips and facilitating the occlusion of the fastening strips when moved towards a first end thereof and facilitating the deocclusion of the fastening strips when moved towards a second end thereof, the fastening strips and the slider having a longitudinal X axis and a transverse Y axis, the transverse Y axis being perpendicular to the longitudinal X axis, the fastening strips and the slider having a vertical Z axis, the vertical Z axis being perpendicular to the longitudinal X axis, the vertical Z axis being perpendicular to the transverse Y axis, a first detent comprising a notch at the first end of the fastening strips 18 19 where the material has been removed, the slider comprising a housing having a

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separator 9 and a protrusion 21b, 22b for engaging the first detent of the fastening strips when the slider is moved to the first end of the fastening strips thereby preventing removal of the slider from the first end of the fastening strips in the longitudinal X axis.

See col. 4, lines 28-53:

In the present invention the slider 10 is provided with two detent elements 21b and 22b located on opposite sides of the separator finger 9 which are spring loaded toward it. When the slider 10 is at any location along the zipper 11 other than the fully closed position at the end of the fastener, as shown in FIGS. 3 and 4, the spring-loaded detent elements 21b and 22b ride against the outside surfaces of the flanges 18 and 19 respectively. When the slider 10 reaches the fully closed position at the closed end of the fastener, and the separator finger 9 is within the notch where the flanges 18 and 19 have been removed, as shown in FIGS. 1 and 2, the detent elements 21b and 22b spring inward against the sides of the separator finger 9. These detent elements 21b and 22b resist an attempt to move the slider 10 in the bag-opening direction because this requires that they be forced back over the flanges 18 and 19. The force required to overcome this detent locking action will be determined by the spring force of the detent elements 21b, 22b and the geometry of the separator finger 9. In the embodiment of the invention illustrated in FIGS. 1-4, the spring-loaded detent elements 21b, 22b are molded as part of the sidewalls 21 and 22 from which they project. This type of construction can be utilized where the slider includes hinged sidewalls or where the sidewalls are separate elements.

The closure strips are profiled, have a rolling action, and have one member that is U-shaped and is therefore considered to be a U-channel closure type.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, 50-52, 71, 76, 78, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. (US 5301394) in view of Horwitt (US 3583041).

Richardson et al. (figures 1-4) teach closure device comprising: a first fastening strip; a second fastening strip a slider adapted to be slidably disposed on the fastening strips and facilitating the occlusion of the fastening strips when moved towards a first end thereof and facilitating the deocclusion of the fastening strips when moved towards a second end thereof, the fastening strips and the slider having a longitudinal X axis and a transverse Y axis, the transverse Y axis being perpendicular to the longitudinal X axis, the fastening strips and the slider having a vertical Z axis, the vertical Z axis being perpendicular to the longitudinal X axis, the vertical Z axis being perpendicular to the transverse Y axis, a first detent comprising a notch at the first end of the fastening strips 18 19 where the material has been removed, the slider comprising a housing having a flexible portion 21b, 22b for engaging the first detent of the fastening strips when the slider is moved to the first end of the fastening strips thereby preventing removal of the slider from the first end of the fastening strips in the longitudinal X axis. See col. 4, lines 28-53:

In the present invention the slider 10 is provided with two detent elements 21b and 22b located on opposite sides of the separator finger 9 which are spring loaded toward it. When the slider 10 is at any location along the zipper 11 other than the fully closed position at the end of the fastener, as shown in FIGS. 3 and 4, the spring-loaded detent elements 21b and 22b ride against the outside surfaces of the flanges 18 and 19 respectively. When the slider 10 reaches the fully closed position at the closed end of the fastener, and the separator finger 9 is within the notch where the flanges 18 and 19 have been removed, as shown in FIGS. 1 and 2, the detent elements 21b and 22b spring inward against the sides of the separator finger 9. These detent elements 21b and 22b resist an attempt to move the slider 10 in the bag-opening direction because this requires that they be forced back over the flanges 18 and 19. The force required to overcome this detent locking action will be determined by the spring force of the detent elements 21b, 22b and the geometry of the separator finger 9. In the embodiment of the invention illustrated in FIGS. 1-4, the spring-loaded detent elements 21b, 22b are molded as part of the sidewalls 21 and 22 from which they project. This type of construction can be utilized where the slider includes hinged sidewalls or where the sidewalls are separate elements.

The closure strips are profiled, have a rolling action, and have one member that is U-shaped and is therefore considered to be a U-channel closure type.

The difference is that the device lacks a second detent at the other end of the closure. However, Horwitt (figures 1, 2, 4) teaches that it is well known to utilize a detent 30 as shown in figure 4 to hold the slider 16 in the open position through the use of a biased slidable arm 32 upon the slider. It would have been obvious to utilize the flexible portions of the slider of Richardson et al. at the other end of the fastener strips in view of Horwitt (figures 1, 2, 4) teaches that it is well known to utilize a detent 30 as shown in figure 4 to hold the slider 16 in the open position through the use of a biased slidable arm 32 upon the slider thereby providing a suggestion to utilize flexible arms to

engage a detent at the opening end of the closure since Horwitt suggests that it is desirable to secure the slider at the open end of the closure.

Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. (US 5301394) in view of Horwitt (US 3583041) as applied to claim 50 above, and further in view of Stolmeier et al. (US 5871281).

Further modification of the fastener of Richardson et al. so that the interengaging features are of the arrowhead type would have been obvious in view of Stolmeier et al. (figure 4) teaching that it is well known to utilize the arrowhead type of interengaging features 18H so as to better secure the closure.

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. (US 5301394) in view of Stolmeier et al. (US 5871281).

Richardson et al. (figures 1-4) teach closure device comprising: a first fastening strip; a second fastening strip a slider adapted to be slidably disposed on the fastening strips and facilitating the occlusion of the fastening strips when moved towards a first end thereof and facilitating the deocclusion of the fastening strips when moved towards a second end thereof, the fastening strips and the slider having a longitudinal X axis and a transverse Y axis, the transverse Y axis being perpendicular to the longitudinal X axis, the fastening strips and the slider having a vertical Z axis, the vertical Z axis being perpendicular to the longitudinal X axis, the vertical Z axis being perpendicular to the transverse Y axis, a first detent comprising a notch at the first end of the fastening strips 18 19 where the material has been removed, the slider comprising a housing having a protrusion 21b, 22b for engaging the first detent of the fastening strips when the slider is

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moved to the first end of the fastening strips thereby preventing removal of the slider from the first end of the fastening strips in the longitudinal X axis. See col. 4, lines 28-58:

In the present invention the slider 10 is provided with two detent elements 21b and 22b located on opposite sides of the separator finger 9 which are spring loaded toward it. When the slider 10 is at any location along the zipper 11 other than the fully closed position at the end of the fastener, as shown in FIGS. 3 and 4, the spring-loaded detent elements 21b and 22b ride against the outside surfaces of the flanges 18 and 19 respectively. When the slider 10 reaches the fully closed position at the closed end of the fastener, and the separator finger 9 is within the notch where the flanges 18 and 19 have been removed, as shown in FIGS. 1 and 2, the detent elements 21b and 22b spring inward against the sides of the separator finger 9. There detent elements 21b and 22b resist an attempt to move the slider 10 in the bag-opening direction because this requires that they be forced back over the flanges 18 and 19. The force required to overcome this detent locking action will be determined by the spring force of the detent elements 21b, 22b and the geometry of the separator finger 9. In the embodiment of the invention illustrated in FIGS. 1-4, the spring-loaded detent elements 21b, 22b are molded as part of the sidewalls 21 and 22 from which they project. This type of construction can be utilized where the slider includes hinged sidewalls or where the sidewalls are separate elements.

The difference is that the interengaging features are not of the arrowhead type. However, Stolmeier et al. (figure 4) teaches that it is well known to utilize the arrowhead type of interengaging features 18H so as to better secure the closure. It would have been obvious to modify the fastener of Richardson et al. so that the interengaging features are of the arrowhead type in view of Stolmeier et al. (figure 4) teaching that it is well known to utilize the arrowhead type of interengaging features 18H so as to better secure the closure.



***Allowable Subject Matter***

Claims 1, 2, 6, 7, 11, 12, 14-25, 29-35, 37-44, 48, 49, 54-67, and 72-75 are allowed.

***Response to Arguments***

Applicant's arguments filed March 10, 2003 have been fully considered but they are not persuasive. Claim 53 has been written by applicant in independent form. However, the claim was rejected in the prior action and the claim remains rejected.

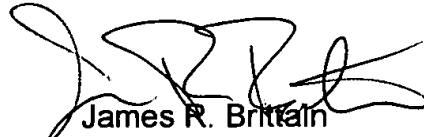
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
June 2, 2003